Ministry of Justice
Public Complaints Commission

Annual Report for 2016-17

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Government of Saskatchewan

Table of Contents

Letters of Transmittal 1

Mission Statement 2

Governing Legislation 3

Organizational Structure 4

Public Complaints Commission 5

Members of the Public Complaints Commission 5

Contact Information 5

Message from the Chair 6

Progress in 2016-17 7

2016-17 Key Commitments 7

2016-17 Results 7

2016-17 Matters of Concern 8

2017-18 Plans 8

2016-17 Performance Measures 9

Statistical Data 10

Case Summaries 14

Budget Allocation 24

This annual report is also available in electronic form from the Ministry's website at www.saskatchewan.ca/pcc.

Letters of Transmittal

The Honourable
Gordon S. Wyant, Q.C.
Minister of Justice and
Attorney General

Her Honour, the Honourable Vaughn Solomon Schofield,
Lieutenant Governor of Saskatchewan

May it Please Your Honour:

The undersigned, pursuant to section 15 of *The Police Act, 1990*, is pleased to present the Saskatchewan Public Complaints Commission Annual Report for the period ending March 31, 2017.

Gordon S. Wyant, Q.C.
Minister of Justice and Attorney General

Brent Cotter, Q.C.
Chair

Honourable Gordon Wyant, Q.C.
Minister of Justice and Attorney General

Dear Sir:

The undersigned, pursuant to section 15 of *The Police Act, 1990*, is pleased to present the Saskatchewan Public Complaints Commission Annual Report for the period ending March 31, 2017.

W. Brent Cotter, Q.C.
Chair

Mission Statement

The Public Complaints Commission (PCC) is an independent panel of non-police persons appointed by the Saskatchewan Government to ensure that both the public and the police receive a fair and thorough investigation of a complaint against the municipal police in Saskatchewan.

One of the main functions of the police is the protection of the general public. Police services realize that their officers must maintain a high degree of public support to effectively carry out their duties. It is recognized that occasions arise when citizens feel they have not been treated fairly by a police officer. For that reason a citizen complaint procedure was set out in *The Police Act, 1990*. It is in the best interest of the public and the police to have citizens' complaints resolved in order to maintain a high degree of public confidence in the professionalism of our municipal police services.

Governing Legislation

Role of the Public Complaints Commission

The PCC consists of five persons, including a chair and a vice-chairperson who are appointed by the Lieutenant Governor in Council. By legislation, at least one member must be a person of First Nations ancestry, at least one member must be a person of Métis ancestry, and at least one member must be a lawyer. The chair has the delegated authority to exercise the powers and to perform the duties assigned to the PCC.

Canada has long been recognized as a leader in the civilian oversight of the police. In 1992 Saskatchewan introduced legislation that identified a specific agency to address public complaints. On April 1, 2006, following an extensive consultation process with the Saskatchewan Association of Chiefs of Police, the Federation of Saskatchewan Indian Nations (FSIN), the Saskatchewan Federation of Police Officers, Métis Family and Community Justice Services, and local police boards, the PCC was created. The PCC replaced the office of the Saskatchewan Police Complaints Investigator and was provided with a more extensive mandate respecting complaints against municipal police officers.

Pursuant to subsection 39(1) and (2) of *The Police Act, 1990*, the duties of the PCC are:

1. Where the PCC receives a public complaint pursuant to section 38, the PCC shall:
   a. record the complaint received;
   b. establish and maintain a record of all public complaints received by the police services and their dispositions;
   c. inform, advise and assist complainants;
   d. advise and assist the chiefs and boards, the hearing officer and the Saskatchewan Police Commission with respect to the handling of public complaints;
   e. monitor the handling of public complaints and ensure that public complaints are handled in a manner consistent with the public interest; and
   f. inspect annually, or at those times directed by the Minister, the records, operations and systems of administration for the handling of public complaints by police services.
2. In exercising the duties of the PCC pursuant to this section, the PCC:
   a. shall receive and obtain information respecting a public complaint from the complainant;
   b. may receive and obtain information respecting a public complaint from the member or chief who is the subject of the complaint, the chief or the board, in any manner that the investigator considers appropriate;
   c. may request access to any files or other material in the possession of the police service relevant to a public complaint; and
   d. may interview and take statements from the chief, board, complainant and the member or chief who is the subject of the public complaint.

The PCC determines whether the investigation of a public complaint will be conducted by:

- ⇨ the PCC investigative staff;
- ⇨ the police service whose member is the subject of the complaint;
- ⇨ the police service whose member is the subject of the complaint with the assistance of an observer appointed by the PCC to monitor the investigation and report to the PCC; or
- ⇨ a police service other than the police service whose member is the subject of the complaint.

The Police Act, 1990 states that the Chief of Police is responsible for the maintenance of discipline. Although the majority of the PCC's findings are accepted by police chiefs, the findings are not binding on the chiefs.

From time to time, differences of opinion with police chiefs have arisen and have resulted in healthy debate. While consensus is not always reached, the differences speak to the independence of the PCC.

Organizational Structure

*The PCC consists of five individuals including a chairperson and vice-chairperson. Members are appointed by the Lieutenant Governor in Council.

Public Complaints Commission

Members of the Public Complaints Commission

Members are appointed for a three-year term and may be reappointed for a second term of the same duration. However, no member may be appointed to more than two successive terms.

Members meet regularly to review new complaints, receive briefings on current investigations, and reach consensus on final determinations of completed investigations that culminate in written decisions.

Chair:

- W. Brent Cotter, Q.C., Saskatoon

Vice Chair:

- Sonja Hansen, Q.C., Saskatoon

Members:

- Arne Lindberg, Prince Albert
- Marjorie LaVallee, Cowessess First Nation
- Joseph Blayone, Regina

Director:

- John Clarke: Responsible for the administration and daily operation of the PCC.

Contact Information

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SASKATOON SK S7K 2H6
Telephone: (306) 964-1450
Fax: (306) 964-1454

Website: www.saskatchewan.ca/pcc

Message from the Chair

The PCC is an independent agency of the Government of Saskatchewan, established by legislation, to provide civilian oversight of the conduct of municipal police officers in Saskatchewan.

The Commission was established in its present form in 2006, following a process of collaboration between the Ministry of Justice, the representatives of Chiefs of Police and police associations, the RCMP, the Federation of Saskatchewan Indian Nations (FSIN) and the Métis Nation of Saskatchewan. This collaboration resulted in a reformulation of the authority of the PCC, the establishment of a partnership with the Special Investigations Unit of the FSIN, the establishment of a five-person Commission (with Commissioners appointed to renewable three-year terms) and the adoption of a legislative requirement that the Commission membership always include at least one person of First Nations ancestry and one person of Métis ancest.y. During the past year, Commissioners Catherine Knox and Michel Maurice retired from the PCC after a number of years of distinguished service and the Commission welcomed new members Sonia Hanson and Joe Blayone.

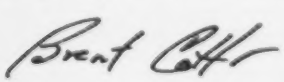
The PCC receives and investigates complaints from members of the public, and on occasion self-initiates complaints about the conduct of municipal police officers in Saskatchewan. This work is conducted under the leadership of its Executive Director, John Clarke, to whom much of its success as a professional, independent agency is owed.

The PCC contributes to public confidence in our police services in two ways. First, it provides an independent, highly respected process by which citizens can have their concerns about police behaviour reviewed. Where police officers do misconduct themselves, the PCC provides an independent, civilian-led means by which this misconduct can be brought to light, ensuring accountability. Second, it shows the Saskatchewan public, through independent civilian oversight, that to a very substantial degree police officers in Saskatchewan conduct themselves in honourable and professional ways. Both of these contributions – police accountability for misconduct and the recognition of high-quality policing in Saskatchewan – are well supported by the civil society as well as by the police leadership within the province.

The level of work of the PCC has gradually increased over its 11 years of existence under its present mandate. The PCC refers less serious matters in Saskatoon and Regina to the professional standards divisions of the Saskatoon and Regina police departments, under its supervisory authority, and directly investigates more serious matters in those cities as well as all complaints concerning all other police services in Saskatchewan. It is assisted in its work by the Special Investigations Unit of the FSIN, which receives and prepares complaints that come to them from First Nations citizens. The PCC possesses significant legislative authority to investigate the conduct, quality, diligence and integrity of police officers' work. The PCC is empowered to make findings of misconduct by police officers and, where it does so, the matter is referred to the appropriate Chief of Police to make a determination regarding discipline. Where the police misconduct has the potential to have violated the criminal law, the PCC refers the matter to the province's public prosecution service to determine whether criminal charges are laid. The quality of the PCC's work in investigating police conduct has rarely been questioned.

As has been the case since the creation of the Commission in 2006, we continue to strive to ensure: (a) that citizen concerns about their engagements with the police are given fair, adequate and independent consideration; (b) that our work assists in providing guidance to the policing community; and (c) that our work continues to build public confidence in those members among us – the police – who are entrusted to keep the peace in our communities.

The PCC has undertaken work to identify ways in which civilian oversight in Saskatchewan may be modernized and strengthened. We are hopeful that the implementation of legislative changes in the coming period of time will ensure that the PCC's work keeps pace with changes in policing and in public expectations of civilian oversight agencies, and enables the PCC to perform its work in accordance with a continuing commitment to independence, professionalism and integrity.



W. Brent Cotter, Q.C.
Chair

Progress in 2016-17

2016-17 Key Commitments

- Ensure that the mandate of the PCC is carried out in an expeditious manner.
- To develop a public awareness program in partnership with the Civilian Review and Complaints Commission (CRCC) for the RCMP that will ensure that all citizens of Saskatchewan are aware of the public complaint processes in place to address concerns with members of the RCMP and municipal police officers in the province.
- Continue with the review of the PCC's legislated mandate. This process is nearing completion with a draft report anticipated in the fall of 2017.
- To hold a fall seminar with particular focus on powers of arrest.

2016-17 Results

- The PCC's workload increased moderately from 2015-16, showing a continuing, though gradual increase in complaints over the last four years.
- For the first time the majority of public complaints were received on the PCC's website, followed closely by complaints received by municipal police services where the officer is employed. Complaints made in person remained consistent, with a slight decrease in the number of complaints mailed to the PCC.
- The PCC continues to be an active member of the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE). The PCC Chair served as President of CACOLE in 2016. The PCC hosted the national CACOLE conference in Saskatoon during May 2016 in conjunction with the PCC's 10th anniversary. The delegates' dinner was held at the Wanuskewin Heritage Park featuring First Nations cuisine and traditional First Nations entertainment. Robert W. Mitchell, Q.C., former PCC Chair, was presented with the inaugural Mitchell-Lewis Award for his outstanding contribution to civilian oversight in Canada.
- The importance of the PCC's relationship with our provincial counterparts and particularly our relationship with the CRCC for the RCMP cannot be understated. Provincial counterparts serve as valuable resources for information and comparison, while the RCMP serves as an inherently vital partner to the PCC due to the breadth of their jurisdiction within Saskatchewan. Municipal police and RCMP officers also work together on several joint forces operations within the province and are potentially subject to overlapping public complaint processes.
- The PCC lectured two recruit classes at the Saskatchewan Police College. Prior to graduating the recruits are provided a comprehensive understanding of the public complaint process. Peel's Principles of Policing continues to be the guideline for police officer conduct. The PCC also presented a lecture on Professionalism and Ethical Conduct to a new class of deputy sheriffs who are responsible for court security and the transportation of individuals in custody. The PCC is a strong supporter of the additional training provided to recruit field training officers and police supervisors.
- The PCC acknowledges the importance of the various provincial government agencies with whom we work: such as Saskatchewan Ombudsman, Saskatchewan Human Rights Commission, Public Prosecutions Division of the Ministry of Justice, Saskatchewan Police Commission and the Saskatchewan Police College.
- The PCC attended and participated in the annual meetings of the Saskatchewan Chiefs of Police Association and the Saskatchewan Federation of Police Officers. Discussions on current issues from the PCC's perspective and exchanges of information have proven to be invaluable in the promotion and acceptance of the public complaint process.
- Our relationship with the Federation of Sovereign Indigenous Nations's Special Investigations Unit, whose operation is funded through the PCC's budget, continues to be an important component of the public complaint process in Saskatchewan.

- The review of the PCC legislated mandate has been completed. The draft report is being finalized and is on track for presentation in the near future.
- The PCC has been given the additional responsibility for public complaints against special constables employed with Safer Communities & Neighbourhoods (SCAN) and community safety officers (CSO's).
- The PCC notes that municipal police reports addressing the use of conducted energy weapons (CEWs) has greatly improved.

2016-17 Matters of Concern

- The PCC will continue to monitor the use of CEWs by municipal police services in the province.
- The PCC continues to be concerned with the inappropriate exercise of the powers of arrest, search and seizure, and the entry into homes without warrant in the absence of exigent circumstances. These issues have been brought to the attention of the Chiefs of Police who have initiated additional training sessions for front-line officers. This is further complicated in instances where police supervisors have not recognized the limits of police authority and have not taken corrective action with their subordinates. This issue has also been identified and commented upon by Public Prosecutions when reviewing investigations where excessive use of force has been alleged during arrest. This will be the focus of the PCC's 2017 fall seminar.
- The lack of articulation in report writing, particularly where force was used during an arrest, while improved over previous years, continues to be a concern. For example, descriptions such as *"subject became assaultive"* do not adequately describe the incidents encountered by officers in the field.
- The increased use of police car cameras, video recordings inside police buildings, the use of social media by on-duty officers, and the issues surrounding body worn cameras are the subject of ongoing consideration by the PCC.

2017-18 Plans

- Carrying out the mandate of the PCC in a thorough and expeditious manner continues to be the PCC's primary focus.
- Continue with public awareness planning.
- Present the results of applicable legislative review with a view to modernizing civilian oversight in Saskatchewan.

2016-17 Performance Measures

The statistics set out in the tables on this page are for the period April 1 to March 31, for the fiscal years 2013-14, 2014-15, 2015-16 and 2016-17. The following pages show the breakdown of complaints for each of the municipal police services, rural municipality police services, community safety officers (CSO's), and Safer Communities and Neighbourhoods (SCAN) in the province during the 2016-17 fiscal year.

Number of Complaint Files Opened

Police Service	2013-14	2014-15	2015-16	2016-17
Regina	44	51	36	43
Saskatoon	38	50	65	60
Moose Jaw	1	4	10	10
Prince Albert	1	13	11	10
Estevan	9	1	3	4
Weyburn	1	3	1	3
Caronport	0	0	0	0
Dalmeny	0	0	0	0
Luseland	0	1	0	0
RM of Corman Park	0	0	0	2
RM of Vanscoy	0	0	0	0
RM of Wilton	0	0	0	0
File Hills First Nations	0	0	0	1
CSO's				
City of North Battleford	0	0	0	3
Town of Rosetown	0	1	0	0
RM of Lakeland	1	0	1	0
SCAN	1	0	0	1
Total Number of Files	96	124	127	137

The table below shows the percentage of complaint files that fall within certain time-frames, during which the complaint is received, investigated, reviewed and the complainants are advised of the action taken with respect to their concerns.

Percentage of Complaint Files Completed Within Given Time-frames

Days	2013-14	2014-15	2015-16	2016-17
0 – 30	28	27	13	20
31 – 60	10	8	10	7
61 – 90	5	6	8	6
91 – 120	6	1	2	4
121 – 150	1	2	4	1
151 – 180	3	2	2	1
Over 181	7	12	8	15
Pending	40	42	53	46

Statistical Data

Findings of Complaints Received

April 1, 2016 to March 31, 2017

Police Service	Substantiated	Unsubstantiated	Unfounded	Withdrawn/ Other	S.45(5)**	Informal Resolution	Service/ Policy	Not Yet Completed	Total
Regina	2	0	9	5	7	0	0	23	46
Saskatoon	2	0	20	7	10	1	1	27	68
Moose Jaw	1	0	5	0	2	0	1	4	13
Prince Albert	1	0	3	1	3	0	0	4	12
Estevan	0	0	2	1	1	0	0	0	4
Weyburn	0	0	0	0	1	0	0	2	3
Caronport	0	0	0	0	0	0	0	0	0
Dalmeny	0	0	0	0	0	0	0	0	0
File Hills	0	0	1	0	0	0	0	0	1
Luseland	0	0	0	0	0	0	0	0	0
RM Corman Park	0	0	3	0	1	0	0	0	4
RM Lakeland	0	0	0	0	0	0	0	0	0
RM Vanscoy	0	0	0	0	0	0	0	0	0
RM Wilton	0	0	0	0	0	0	0	0	0
N. Battleford	0	0	0	0	1	0	0	2	3
SCAN	0	0	0	0	0	0	0	1	1
Total* & ***	6	0	43	14	26	1	2	63	155

*While only 137 complaints were filed, some had multiple complaints and findings.

**Under section 45(5) of *The Police Act, 1990* circumstances did not require investigation or, during the course of the investigation, it was determined that circumstances no longer supported the continuation of the investigation.

***Some allegations involve multiple officers. For statistical purposes, only the allegations are indicated; not the total number of officers.

Definition of Complaint Findings

- Substantiated – supported by evidence
- Unsubstantiated – allegation cannot be proved or disproved
- Unfounded – unsupported by evidence

Definition of Descriptions

- 36Av – Discreditable Conduct
- 37Ei – Abuse of Authority – Discourtesy/Uncivil

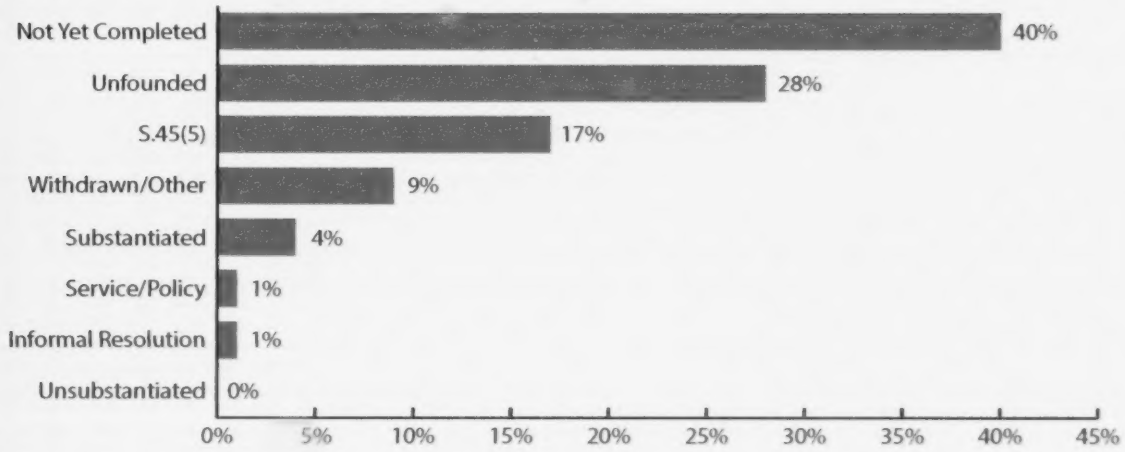
Classification of Substantiated and Unsubstantiated Complaints

April 1, 2016 to March 31, 2017

Police Service	Substantiated	Description
Regina	2	36Av
Saskatoon	2	36Av
Moose Jaw	1	36Av
Prince Albert	1	37Ei

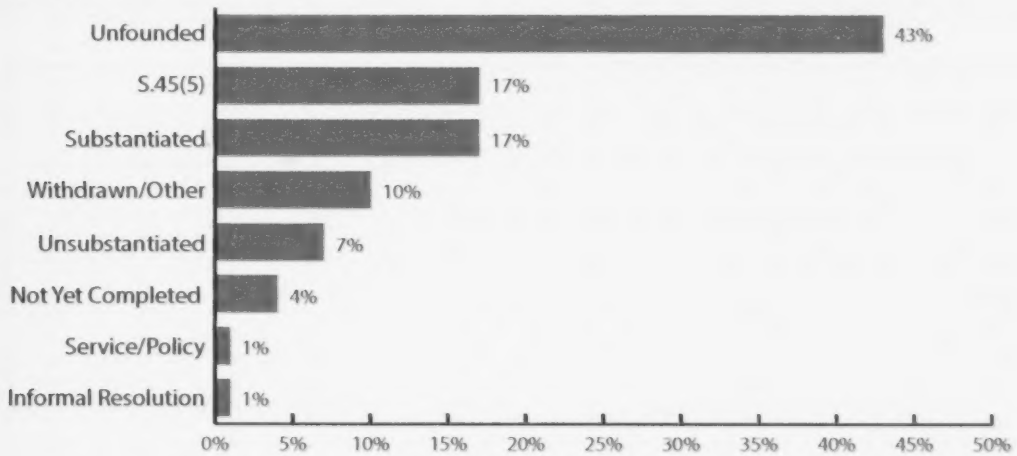
Complaint Findings

April 1, 2016 to March 31, 2017



Revised Complaint Findings

April 1, 2015 to March 31, 2016



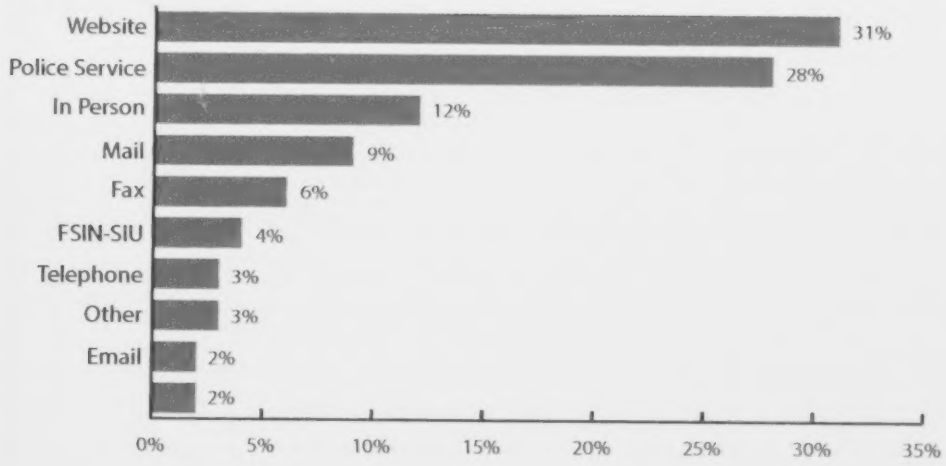
Five-year Comparative Statistics

2012-13 to 2016-17

	2012-13	2013-14	2014-15	2015-16	2016-17
Substantiated	34	28	40	33	6
Unsubstantiated	20	3	18	13	0
Unfounded	75	49	80	81	43
Withdrawn	8	8	17	19	14
Not Yet Concluded	0	0	1	8	63
Section 45(5)	30	36	23	32	26
Service	4	2	2	1	2
Informal Resolution	7	3	2	2	1

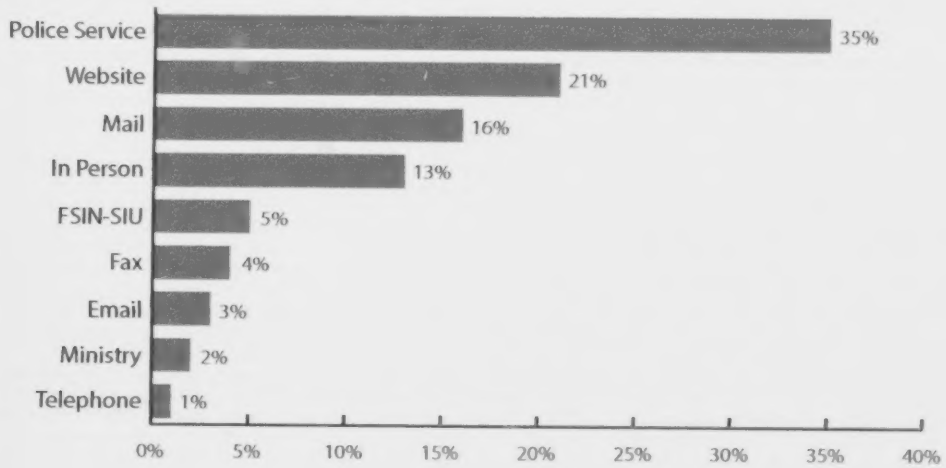
Incidents Received by Source

April 1, 2016 to March 31, 2017



Incidents Received by Source

April 1, 2015 to March 31, 2016



Type of Complaints Received

April 1, 2016 to March 31, 2017

	Regina	Saskatoon	Moose Jaw	Prince Albert	Estevan	Weyburn	Caronport	Dalmeny	Luseland	File Hills	Corman Park	Lakeland	North Battleford	Vanscoy	Wilton	SCAN	Total
Type of Complaint																	
Discreditable Conduct	6	20	3	1	1	0	0	0	0	0	4	0	0	0	0	0	35
Neglect of Duty	10	10	4	2	2	0	0	0	0	1	0	0	0	0	0	0	29
Insubordination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Disclosure of Information	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Corrupt Practice	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Abuse of Authority																	
Improper Arrest	0	0	1	1	0	1	0	0	0	0	0	0	0	0	0	0	3
Unnecessary violence	3	8	1	2	0	0	0	0	0	0	0	0	0	0	0	0	14
Discourtesy/Uncivil	3	2	0	1	1	0	0	0	0	0	0	0	0	0	0	0	7
Improper Use of Firearms	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Damage to Police Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Wearing of Uniform	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Misuse of Liquor/Drugs	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal Conduct	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Others	0	1	0	1	0	0	0	0	0	0	0	0	1	0	0	0	3
Not Yet Completed	23	27	4	4	0	2	0	0	0	0	0	0	2	0	0	1	63

Case Summaries

Mr. S

Mr. S alleged police officers neglected to properly secure and account for cash that was in his possession when he was arrested. The investigation was conducted by a PCC investigator independent of the police service.

Mr. S stated he was the occupant of a vehicle that was stopped by the police and that he had money (three $100 and three $20 bills) in his hands at the time police initiated the stop. He stated officers ordered him out of the vehicle at gunpoint with his hands in plain view. Mr. S claimed that in the process of exiting the vehicle, he let go of the money. When he was secured in the police car he told officers about the misplaced money. A search was conducted and one $20 bill was located. He believed the officers should be responsible for the money.

Mr. S was unwilling to inform the investigator how and when he came to be in possession of the cash, in order to corroborate the complainant's claim. He acknowledged spending $40 on illicit drugs before he was stopped by police.

Police reports, records including in-car camera recordings and officers' notes were reviewed. Mr. S was an occupant of a suspected stolen truck that was stopped using tactics for high-risk situations. More than one police vehicle and several officers were involved. Occupants were directed to exit the vehicle with raised hands to be taken into custody. Mr. S was arrested, searched and placed in a police car. He told an officer he had misplaced three $20 bills during the arrest. The area was thoroughly searched and one $20 bill was recovered, which was included in his prisoner effects.

In-car camera recordings provided clear and comprehensive views of the traffic stop, Mr. S exit from the vehicle and officers' contact with him, including conversations in the police car. Although it is seen to be windy in the video recordings, at no time is money seen in his hands, on the ground or in the air. When he told officers that he threw out money, more than one officer immediately searched the area resulting in the recovery of one $20 bill. He told officers on more than one occasion that the amount of money was $60, not the $360 he reported later.

The PCC concluded that the complaint was unfounded and that there was no reason to invoke discipline pursuant to *The Municipal Police Discipline Regulations, 1991*. The in-car recordings are entirely consistent with the information provided by the police officers. There was no reasonable basis to establish that any officer saw him throw money out of the vehicle, or that any officer came into possession of any of his money except for the $20 bill found on the ground.

Under the provisions of section 35(2) (c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief of Police reviewed these circumstances and recommended the conduct of the officers did not warrant disciplinary action.

Mr. G

Mr. G complained that he was unnecessarily bitten and injured by a police service K9 dog when he was arrested and detained.

He stated he was walking to his residence from a friend's and passed through a backyard. He observed police in the area and two police officers running with a dog. He stated that he was unaware the police were looking for him. Mr. G stated he came out of the yard with his hands raised and verbally surrendered when the officers approached. He was taken to the ground and handcuffed when the police dog bit him. He indicated that an officer stood on his ankle. He believed he lay on the ground awaiting EMS for about 45 minutes.

Mr. G stated he was aware police officers believed he had been hiding in a tree. He clearly recalled the tree near where he was arrested. He denied hiding in the tree as he would have been unable to reach the lowest limbs to have climbed into the tree.

He described the injuries from the dog bite(s) that required approximately 20 stitches to close. He indicated that he suffered a possible break or fracture and would be unable to walk for a period of time.

Medical reports confirmed that several puncture wounds and lacerations, including wounds near his ankle, were treated with 15 sutures. No broken or fractured bones were found. The injuries were photographed and were consistent with the descriptions provided in police reports.

Police reports, records, officers' notes and statements were reviewed. Police received a report that a suspicious person was attempting to gain access to a residence by way of a pet access in a door. The suspect was described as wearing dark clothes and a dark hooded jacket.

Several police vehicles/officers attended and formed a perimeter to detect anyone coming or going from the area. Two officers and a police dog commenced to track the suspect from the address where the attempted break-in had occurred. The police dog followed a scent track; foot tracks were also visible to officers in fresh snow in the area. Officers describe pursuing the track through a number of backyards over several fences. The track turned back when the visible police perimeter surrounding the area was approached. The canine officer said this is common when suspects see police. The track was followed on to a dead-end residential street.

Officers stated there was no exit from the street and there was no sign from the dog or visible tracks to indicate the suspect had escaped between residences or through an easement. They believed the suspect was hiding in a vehicle parked nearby. Officers approached the vehicle to investigate. The dog was on a long leash and not in front of the officers at the time. Officers stated they first became aware of Mr. G's presence when the dog took hold of him behind a tree. As he had not been seen or detected by the dog as the officers approached and as he appeared suddenly, officers believed he had been in hiding in the tree.

Officers stated Mr. G was struggling against the dog. Officers approached and commanded him to stop struggling. Officers held him down while he was arrested, handcuffed and the canine officer controlled the police dog. Officers deny the dog bite occurred after he was arrested, knowingly standing on his leg or ankle, and any delay in calling EMS. Officers were aware Mr. G had received a dog bite and requested EMS be called. He was placed in a police vehicle for a short time awaiting arrival of EMS. An officer accompanied him to the hospital.

The time references in the police dispatch and reporting system are consistent with the account of the officers. There was no undue delay in EMS being dispatched. Court records indicated that Mr. G pleaded guilty in respect to charges arising out of this incident.

The PCC was satisfied Mr. G's complaint had been thoroughly and impartially investigated and reviewed. There is little dispute Mr. G was injured by a bite from a K9 and that was regrettable. The officers were in lawful execution of duty tracking a suspect through yards in a residential neighbourhood in the dark and Mr. G appeared unexpectedly. Section 25(1) of the *Criminal Code* authorizes a police officer to use as much force as is necessary to accomplish her/his duty, provided that s/he acts on reasonable grounds. It was not established he was intentionally injured or officers were negligent.

The PCC concluded improper action by the officers was not supported by the evidence and that the complaint was not substantiated. Therefore, there was no reason to invoke discipline pursuant to *The Municipal Police Discipline Regulations, 1991*. The Chief of Police reviewed these circumstances and recommended that the conduct of the officers did not warrant disciplinary action.

Mr. P

Mr. P's complaint related to the actions of the police officers who attempted to arrest and detain him on two separate occasions – once, unsuccessfully, on March 25, 2015 and again, successfully, on April 2, 2015. He alleged officers improperly entered his residence, used excessive force on both occasions, and that the arrest on April 2 was unlawful.

Mr. P stated that on March 25, 2015 officers attended his residence about 5:50 p.m. The officer(s) did not identify themselves or announce their purpose before he partially opened the door. He refused the officer's request for him to step out the door and did not consent to the officer entering his residence. When the officer told him the reason for his presence Mr. P attempted to close the door. The officer pushed the door open and grabbed his arm. He struggled, pulled away and closed the door. During the struggle he was struck by the door.

Five days later he subsequently went to the police station and surrendered. He was processed and released.

Mr. P stated on April 2, 2015 at about 9:30 p.m. police officers, including a supervisor, came to the door of his residence. There were repeated knocks at the door; however, the officers would not identify themselves or announce their purpose and apparently obscured the "peephole" viewer on the door. He opened the door when officers verbally assured that he was not the subject of their interest. When he opened the door, three officers entered, took his arms, forced him to the floor and handcuffed him. He found the holds painful and he was held to the floor forcefully.

Mr. P was released from custody after a discussion with the officers, who made further enquiries.

Police reports, records, officers' notes and statements were reviewed. Mr. P was identified as a suspect in an incident that occurred on December 20, 2014 alleging he assaulted a person and was in breach of more than one condition of a Probation Order. The investigating officer believed there were sufficient grounds to arrest him pursuant to the *Criminal Code*.

One of the officers stated that on March 25, 2015 he attended Mr. P's residence and knocked on the door. When Mr. P partially opened the door, the officer identified himself as a police officer and told Mr. P that he wanted to speak him. The officer acknowledged Mr. P declined this request to come into the hall and did not consent to the officer entering his residence. The officer stated he reached through the partially open door, took Mr. P's arm and advised him that he was under arrest. Mr. P struggled from his grip and closed the door. The officer was of the opinion this constituted new offences related to assault, resisting a police officer and escaping custody.

Additional officers were summoned. The officer reported sounds of items being moved in the residence. When additional officers arrived, including a police dog team and a supervisor, it was determined that Mr. P may have departed the apartment through another exit. The officers stated they conferred. Based on the first officer's information, officers formed the opinion they were in fresh pursuit of a person who could be arrested. Officers acknowledged entering the residence to confirm Mr. P was not there. The investigating officer consulted a supervisor regarding appropriate charges and requested warrants for Mr. P's arrest in his reports related to the incident.

Police reports confirm Mr. P turned himself in to the police service centre on March 30, 2015 about 8:00 p.m. in respect to outstanding warrants. He was arrested, lodged in the detention unit overnight and appeared in court the following day. He was subsequently released on an Undertaking Before a Justice. This was recorded in the police reporting system in a timely fashion. This information was available to the investigating officer and there is information to suggest the officer should have been aware of it.

The officer stated when he next returned to duty on April 2, 2015 he believed Mr. P could be arrested for the March 24 incident. He perused related records and did not note the information related to Mr. P's March 30 surrender and subsequent release. At the same time, the officer acknowledged he did not find confirmation that warrants had been issued. He attributed this to delays in reporting systems. He made arrangements with other officers, including a supervisor, to return to Mr. P's residence to arrest him.

The assisting officers stated that based on the information from the investigating officer they believed there were grounds to arrest Mr. P. When Mr. P answered the door, officers acknowledge taking hold of him. Mr. P was advised he was under arrest and placed on the floor, handcuffed, and then taken to a police car. Based on conversations with Mr. P and further check of police records it was confirmed Mr. P had been arrested and released related to the matters. He was released from custody.

As Mr. P alleged excessive use of force, Section 47 of *The Police Act, 1990,* requires the circumstances be reviewed by the Ministry of Justice, Public Prosecutions Division, to determine if the conduct of the police officer(s) constitutes a criminal offence. Following their review, Public Prosecutions concluded that the assault took place but that, in the circumstances, it was not in the public interest to proceed with a prosecution and as a consequence did not recommend that criminal charges be laid against any officers.

The PCC concluded that the complaint was substantiated. The PCC was satisfied Mr. P's concerns had been taken very seriously, thoroughly and impartially investigated, and reviewed. The officers were honest, forthright and consistent in their accounts of the circumstances. There was little dispute with Mr. P's version of the incidents.

Action pursuant to *The Municipal Police Discipline Regulations, 1991*, appropriate to the circumstances and in keeping with the public interest has resulted. *The Police Act, 1990* requires the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief of Police reviewed the events of this file and the PCC's Report and findings and was satisfied that substantiated allegations were of a serious nature. The investigating officer involved two other officers in an arrest that was deemed to be unlawful. The assisting officers were acting in good faith with the information provided them. It was determined the investigating officer abused his authority in using force during the attempt to arrest Mr. P on March 24 and unlawfully arrested him on April 2, 2015. The Chief of Police also found the supervisor present failed to recognize/consider the need for a judicial warrant to enter Mr. P's residence.

In arriving at a decision on discipline, the Chief took into consideration a number of serious personal issues that may have played a role in the officer's critical decision-making abilities with respect to the events detailed in this complaint. The Chief determined that Advice as to Future Conduct pursuant to *The Municipal Police Discipline Regulations, 1991* was the appropriate redress. Similar disciplinary action was taken in regard to the supervisor.

Current precedent-setting case law requires officers to obtain a judicial warrant to search a residence for a wanted person unless there is consent to search or exigent circumstance. It is not established the officers had consent to enter Mr. P's residence, the circumstances were exigent or officers possessed a warrant. The applicability of the "fresh pursuit" principle would be subject to interpretation. The courts are the appropriate authority to determine whether Mr. P's actions constituted offences and if alleged breaches of the *Canadian Charter of Rights and Freedoms* warrant redress.

The PCC advised Mr. P that, in response to similar issues concerning searches undertaken in pursuit of arrests, the police service has undertaken instruction to all front-line uniform members and supervisors to educate officers further on the requirements for lawful search (with or without warrant). This included a component from Public Prosecutions.

Ms. A

Ms. A's complaint relates to the actions of police officers who investigated an incident involving Ms. A and her ex-spouse. She alleged officers were neglectful by inadequately investigating the matter and an officer acted discreditably by improperly influencing the investigation.

Ms. A's information provided background related to the relationship between her and her ex-spouse, joint custody arrangements for her three children, and previous conflicts, including previous police investigations where it was established her ex-spouse was untruthful. She indicated the sister of her ex-spouse was a police officer and her ex-spouse knew a number of officers through his work, and that she believed these relationships influenced the officers' actions.

She stated that about 4:00 p.m., her ex-spouse, accompanied by his mother, came to her residence to pick up her 10-year-old daughter as previously arranged. Her daughter was upset and did not want to accompany her ex-spouse. He attempted to verbally persuade the daughter to accompany him, and when that failed, he took hold of the daughter and guided her toward his vehicle. Ms. A approached the vehicle and verbally intervened on her daughter's behalf. She stated she was struck in the abdomen by her ex-spouse and fell to the ground. The incident was recorded by an acquaintance from inside Ms. A's residence.

Ms. A reported the matter to the police service. Officers attended shortly after and spoke to individuals outside first, then spoke to her. One of the officers suggested she had struck her ex-spouse's mother in some manner, which Ms. A denied. An officer reviewed the video recording of the incident and requested a copy. Officers departed without taking statements from Ms. A or her daughter. The investigating officer advised her that the video would be reviewed; however, charges were not anticipated. Ms. A observed investigating officers speak in what appeared to be a friendly manner to her ex-spouse, his mother, and sister who is an officer with the same police service.

Ms. A stated she suffered discomfort from the blow to the abdomen and went to the hospital emergency to be examined. She attended the police service to complain about the officers' actions. She believed the investigators had not taken appropriate action and her ex-spouse's sister interfered in the investigation.

Police reports and records – which included the video recording of the incident that Ms. A provided and recordings from the police service counter – were reviewed, along with police policy and procedure and officers' notes and statements.

It was reported Ms. A told officers her ex-spouse had pushed her to the ground while trying to place her daughter in his vehicle. Information received from her ex-spouse indicated she had shoved his mother. An officer listened to an audio recording which reflected a conversation to convince her daughter to accompany her ex-spouse, Ms. A and her daughter having raised voices and Ms. A encouraging her daughter to run into the house.

The investigating officer then spoke to Ms. A in her residence and viewed a cell phone video recording of the incident that was taken from inside her residence. Although the recording did not capture the audio of the incident, it appeared to coincide with the audio recording the officer had just listened to. The officer's report related to his review of the video indicated *"... but no one was pushed to the ground and no one appeared to forcibley [sic] shove anyone away."* The officer reported the opinion that charges were not supported and this was explained to Ms. A and her ex-spouse. The officer requested Ms. A send a copy of the video electronically. Although the officer confirmed receipt of other documentation from her electronically, the officer did not confirm receiving the video recording or further review of the video before closing the investigation. The officer later stated he did not mention Ms. A had fallen to the ground in his report as the video did not establish she was pushed.

Officers confirmed being aware that the sister of Ms. A's ex-spouse was a police officer and that she came to the location. Officers state she did not interfere in or attempt to influence their actions.

Ms. A's ex-spouse's sister stated she was not on duty and was at her residence preparing for Ms. A's daughter's visit to bake cookies. She went to Ms. A's residence when she was informed of the dispute by family members and she understood her mother had been assaulted. The officer denied any involvement or the exercise of any influence in the investigating officers' actions.

Ms. A subsequently attended the police service counter to express dissatisfaction with the outcome of the police investigation. The service counter staff sergeant reviewed her concerns and the video recording of the incident. He stated it appeared she had been pushed to the ground and further investigation was directed. He was of the opinion her main concern was the assault investigation and that she was satisfied that further investigation was to be taken. Although she was provided information on the public complaint process, a public complaint investigation was not initiated at the time.

The follow-up investigation documented in reports included further review of the video recording as well as interviews of those involved and taking written statements. The video recording was reviewed a number of times and the report described an approximate two second period where she had approached her ex-spouse at the passenger door of his vehicle. Although no push or punch can be seen, her ex-spouse *"... makes a jerking motion with his right shoulder. She steps back onto the curb and falls to the ground. She falls to the sidewalk, beside the truck, about 2' away. She gets up quickly ..."* The investigation was referred to the Crown Prosecutor for review.

During the course of the investigation into Ms. A's public complaint, the PCC investigator also reviewed the video of the incident. The PCC investigator's description of the video indicated Ms. A's ex-spouse was seated in the vehicle with the door open when she approached, she was *"propelled away from the open door"* and fell backwards to the ground after which the door closed. Although a push or blow cannot be seen in the video, given her movements, it does not establish that it did not occur. The PCC investigator noted that the original officer's review of the video was on the small format of a cellular phone and there was no record the video was reviewed in a larger format before the officer submitted his report recommending the matter be concluded.

Related police policies and procedures were reviewed. Regarding domestic violence incidents, beyond ensuring the safety of those involved, officers are directed to determine the existence of a crime including obtaining pertinent information from the victim, children present, witnesses, and suspect if possible. In these circumstances, although those involved were still present, no statements were taken and officers did not make notes or obtain copies of electronic recordings. Policy further states that when discretion is exercised and a charge not recommended, the decision should be documented on the incident report and endorsed by a supervisor. In these circumstances, supervisory review was based on the information provided by the officer in his initial report as to the contents of the video recording.

The PCC was satisfied Ms. A's complaint was thoroughly and impartially investigated and reviewed. When Ms. A initially surfaced her concerns about the initial investigation, police representatives took prompt and appropriate action to recommence enquiries and submit a complete investigation to the Crown Prosecutor for review. The PCC communicated to the Chief of Police the seriousness of misleading information in police reports, and the opinion that some aspects of this case, specifically the way the video recording was handled by the initial investigating officer, may warrant disciplinary action. Whether the video recording proved Ms. A was struck or pushed, evidence that she fell away from the vehicle, consistent with her description of the incident, was relevant.

Under the provisions of section 35(2) (c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief of Police reviewed these circumstances and concurred with the PCC's recommendations that misconduct was not supported in relation to the actions of Ms. A's ex-spouse's sister acting discreditably, neglect of duty on the part of the second officer who attended the initial complaint or the officer at the police service counter failure to receive a public complaint.

With respect to the officer responsible for the initial investigation, the Chief of Police was of the opinion the officer did not wilfully mislead or make a false report, but rather was negligent in his duties by failing to conduct a complete investigation, take adequate notes, and take statements from witnesses. The officer was presented with Advice as to Future Conduct provided by section 4 of *The Municipal Police Discipline Regulations, 1991*, focusing on his neglect, police domestic violence procedure/policy and the importance of conducting a complete investigation.

The administration of discipline is the responsibility of the Chief of Police and the findings of the PCC are recommendations that are not binding on the Chief. Ms. A's complaint was handled in a manner consistent with the public interest and resulted in action to address her concerns.

Ms. Mc

Ms. Mc alleged police officers treated her inappropriately during her arrest, search of her person, and while being placed in police detention cells. The allegations were contained in a recorded statement she provided to two police officers while in custody at the Pinegrove Correctional Centre.

The PCC reviewed the police reports, police officer notes, audio of police dispatch records, police vehicle in-car camera recording and cell-block video that resulted from Ms. Mc's arrest. The review determined the officers treated her respectfully and professionally. The primary search of her person was conducted by a female police officer in accordance with police policy. Ms. Mc's argumentative manner required a male police officer to be in the vicinity of the shower room to assist the female officer if required. The preference to have a second female officer is noted; however, none were immediately available. The presence of a male officer is not inappropriate in these particular circumstances.

Despite efforts by the assigned PCC Investigator, Ms. Mc ignored repeated requests to provide clarification of her allegations. There is an expectation that individuals who make a public complaint will fully cooperate with the investigation.

The PCC determined the officers acted appropriately and that the actions of the officers did not constitute misconduct. The PCC directed further investigation was not required and terminated the complaint. Efforts to convey the PCC's findings to Ms. Mc were not successful.

Ms. M

Ms. M's complaint related to the actions of a police officer who detained her 14-year-old son for a half hour between 7:15 a.m. and 7:45 a.m. She alleged the officer abused his authority in the detention, search and lack of courtesy in dealing with her son. Ms. M's complaint was facilitated by the Federation of Sovereign Indigenous Nations – Special Investigation Unit. The investigation was conducted by a PCC investigator independent of the police service.

Ms. M's son was walking to school when he was approached by a police officer in a vehicle. The officer made enquiries related to damage to a vehicle which had just occurred and remarked her son should not "shit" the officer when he denied involvement. The officer searched her son, removed articles including his backpack, cell phone and wallet, and placed him in the back of the police car. After determining his identity, the officer drove to a nearby residence for a witness to confirm whether or not he was the suspect. The witness confirmed definitively that he was not the perpetrator. The officer then released him to continue on to school.

Ms. M believed the officer improperly detained and searched her son and should have offered him a ride to school.

Ms. M communicated with the officer and a police supervisor regarding her concerns. Although the supervisor attempted to explain the officer's actions to Ms. M and offered regrets on behalf of the police service, the arresting officer denied using the alleged swear word in communicating with her son, a statement which she believed was untruthful.

Police records, reports and officer's statements were reviewed. Records confirmed a call was received at 6:42 a.m. reporting that an individual was seen to smash a vehicle window. A description of the suspect was a male in a dark bunny hug, dark pants, with a red cap and an unusual walk. Two police vehicles were dispatched. Her son's name was queried at 6:59 a.m. and the call cleared at 7:08 a.m., indicating her son had been released by that time.

The investigating officer stated upon responding to the complaint, he observed Ms. M's son not far from the location where the vehicle window was broken. In his opinion, her son's description was similar to the suspect description wearing a red ball cap and backpack. The officer approached her son, asked routine questions about the offence and his activities, conducted a cursory search in the interest of officer safety and had him sit in the back of the police car. The officer acknowledged he was of the opinion her son was detained for investigative purposes. The officer took her son down the block and released him when the witness confirmed he was not the suspect. The officer stated her son and the witness apparently knew one another and spoke briefly. The officer believed her son was detained for about five minutes and was aware he was going to his school about two blocks away.

The officer had denied swearing at Ms. M's son; however, upon reviewing the in-car recording of the incident realized that he used the term during the encounter with her son.

Records confirmed a supervisor was in contact with Ms. M about her concerns, reviewed the reports and available recordings of the calls and the in-car recording. Ms. M was offered apologies on behalf of the police service and advised her concerns would be brought to the attention of the arresting officer, though the arresting officer did not offer an apology.

The PCC was satisfied her concerns were thoroughly and impartially investigated and reviewed and action appropriate to the circumstances resulted. There was little contradiction in her son's version of events and the officer's. This was not a random stop, the officer was in engaged in the lawful execution of duty to approach her son and speak to him regarding the reported offence. He was dressed in a similar manner to the suspect, and was in the immediate vicinity within minutes of the reported offence.

The Charter of Rights and Freedoms, Criminal Code, Youth Justice Act and other legislation refers to police officers' authority to detain individuals and their responsibility to provide rights, notify parents, etc. Precedent-setting court rulings provide guidelines as to reasonable interpretation of the legislation. Had there been charges, there could have been a number of legal issues related to Charter Rights, reasonableness of detention and search, notification of parent, and even the ad hoc identification of Ms. M's son by the witness for a court to consider. That being said, the PCC was of the opinion none of the officer's actions were sufficiently in conflict with accepted interpretations of the law to amount to misconduct.

Courtesy is somewhat a matter of perspectives. The officer was not blatantly discourteous; however, he failed to offer the courtesy that might be expected in the circumstances. It is acknowledged that Ms. M and her son were offended by the officer's use of a swear word. The PCC accepted the officer's explanation he did not recall using the phrase. Given the term is commonly used and the context of its use is not a personal slur, in these circumstances it is of a less serious nature. The officer should have been more appreciative of her son's politeness and respectfulness. Given the witness positively eliminated her son as a suspect and he had no previous involvement with police, an expression of regret for the inconvenience, whether or not this included the offer of a ride to his destination would have been appropriate.

The PCC concluded that aspects of the complaint were substantiated.

Under the provisions of section 35(2)(c) of *The Police Act, 1990,* the Chief of Police is responsible for discipline within the police service. The Act requires the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991.* The Chief of Police reviewed these circumstances and concurred the officer was discourteous. Advice as to Future Conduct, provided by subsection 4 of *The Municipal Police Discipline Regulations, 1991,* was administered

The PCC concluded that action appropriate to the circumstances was taken and therefore no reason to invoke further discipline pursuant to *The Municipal Police Discipline Regulations, 1991.*

Mr. S

The complaint of Mr. S relates to the actions of police officers who stopped his vehicle about 10:30 p.m. He alleged he was wrongfully accused of impaired driving, his vehicle was searched and he was arrested based on fabricated evidence, and his vehicle was improperly seized.

Police reports, records, officers' notes and statements were reviewed. Mr. S was stopped at an organized traffic check to detect impaired drivers.

The officer who approached him stated his eyes were glassy and bloodshot. Mr. S was smoking with the door window partially rolled down as he stopped and air fresheners were visible hanging from the mirror in the vehicle. In the officer's experience these are indications the vehicle occupant is attempting to mask odours of marijuana in a vehicle. Empty plastic bags were noted on the floor in the vehicle.

The officer detained Mr. S, conducted a cursory search and demanded a roadside test for blood alcohol content. Tests taken at 10:46 and about five minutes later revealed he had not consumed alcohol. An officer qualified as an expert in recognizing impairment by drugs was not immediately available and the investigating officer made the decision not to seek assistance from another police service in this regard.

Meanwhile, two other officers had taken the opportunity to smell the interior of his vehicle through the partially open window and formed the opinion marijuana odour was present. The initial officer was provided this information and officers decided this was sufficient grounds to arrest Mr. S and search his vehicle. He was arrested and provided his *Charter Rights.* It was reported he declined contacting a lawyer. Mr. S claimed to possess a medical authorization related to the possession of marijuana. Officers made enquiries to confirm the validity of the authorization.

A thorough search of the passenger compartment revealed two very small pieces of material that were suspected to be marijuana. Beyond that, no marijuana or paraphernalia was found.

The arresting officer confirmed that despite the decision not to further investigate Mr. S's possible impairment, the officer was of the opinion he was unfit to operate a vehicle. Although Mr. S disagreed, he was persuaded to accept a ride home and leave his vehicle on a nearby parking lot. The officer acknowledged informing him of the possibility of further tests and seizure of his vehicle if he did not cooperate. He was driven home by police about 12:15 a.m.

The PCC investigator reviewed precedent-setting case law related to police officers' authority to arrest and search based on the odour of marijuana alone. The case law generally supported officers' belief there were sufficient grounds to arrest and search Mr. S.

The PCC was satisfied the concerns of Mr. S were thoroughly and impartially investigated and reviewed. There was little dispute in the circumstances he related and the police officers' accounts. Traffic check points for possible impaired drivers are supported by court rulings as lawful. Roadside tests for motorists' impairment are based on police officers suspecting a driver may be impaired. His detention for investigation of possible impairment by alcohol or drugs was consistent with the law. Mr. P's arrest for marijuana possession and the search of his vehicle was based on a reasonable interpretation of precedent-setting case law and did not constitute misconduct by the officer(s). Without additional support there was no basis to believe evidence was fabricated; considering his medical authorization related to marijuana it is likely officers did detect some odour of the material.

Although Mr. S was not charged, police officers are expected to take appropriate action to discourage people they encounter from driving if their ability appears defective; here the officer drove Mr. S home. The PCC understood that Mr. S was of the opinion his vehicle was seized. His vehicle was not seized; he was persuaded to leave it parked nearby. The persuasion used by the officer(s), including the caution his vehicle would be towed as a hazard if left on the street, does not constitute misconduct.

The PCC was of the view that the detention of Mr. S for nearly one hour and forty-five minutes was lengthy in the circumstances and unnecessary. Whether or not he possessed a valid medical authorization related to marijuana was not relevant to his continued detention when he was not found to be in possession of the substance. The PCC recommended the Chief of Police review the concerns of the PCC with the officers involved.

The PCC concluded, after a review of the circumstances, the conduct of the police officer(s) who dealt with Mr. S did not warrant disciplinary action and therefore no reason to invoke discipline pursuant to *The Municipal Police Discipline Regulations, 1991*.

Under the provisions of section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief of Police reviewed these circumstances and recommended the conduct of the officers did not warrant disciplinary action.

Mr. & Mrs. B

The complainants' concerns related to the actions of a police officer who made derogatory comments about them on a social media site. They alleged the officer's actions were discreditable. They stated the social media postings associated Mr. B to drug trafficking on a First Nations community. The postings may have been made while the officer was on duty.

The officer acknowledged responsibility for the social media remarks attributed to him. He stated he is originally from the same First Nations community and he remained concerned about issues there, although he has no responsibility for policing that community. He denied improperly accessing or disclosing police information in this regard. His beliefs were based on information others provided him.

The investigation confirmed the officer was on duty at the time he made the posting(s). There was no evidence the officer accessed police information related to persons named in the social media message or investigations on the First Nations community. The police service and its officers are not the police agency responsible for policing that community.

The PCC was satisfied their concerns were thoroughly and impartially investigated and reviewed. Although the officer's conduct was unacceptable, and the complaint was substantiated, there was no basis to support any offence related to his access to or disclosure of police information.

Under the provisions of section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief of Police reviewed these circumstances and found the conduct of the officer discreditable.

The officer resigned from the police service at the conclusion of the investigation, and as a result, was no longer subject to the authority of the Chief of Police for the purposes of disciplinary or other corrective action. His resignation as a police officer ended applicable consequences provided by *The Police Act, 1990*.

The PCC concluded complaint had been handled in a manner consistent with the public interest and action appropriate to the circumstances resulted.

Mr. W

The PCC was advised by a police service of their concerns regarding the force used by officers during the arrest of Mr. W. The necessity for the use of violence during the situation came into question. As a result, the PCC deemed the matter to be a public complaint, in part, to ensure that the circumstances were reviewed in a manner consistent with the public interest. It should be noted that Mr. W did not initiate a public complaint.

The PCC investigator contacted Mr. W through a family member who acted as an intermediary. It was ascertained that Mr. W had told others about the incident and acknowledged he had been very drunk, out of control and spitting blood at the police officers. One of the officers punched him and told him to smarten up. Mr. W stated he was sorry for his actions and apologized to officers later. Mr. W did not wish to be further involved in the matter.

Police reports, records including electronic recordings from the detention unit, officers' notes and statements were reviewed. At approximately 12:25 a.m., the police service received a report that Mr. W attempted to contact his ex-girlfriend in contravention of conditions of a recognizance. Officers were dispatched. Enquiries revealed that prior to officers' arrival Mr. W had been at his ex-girlfriend's residence yelling and pounding on the door.

Mr. W was located in the area, arrested for Breach of Recognizance and taken into custody. Officers reported he acknowledged he was in breach of his Recognizance and that he was intoxicated. Officers smelled alcohol and observed behaviour consistent with alcohol and/or drug consumption. Mr. W resisted entering the back of the police car, making it necessary for officers to physically guide him into the vehicle. Officers made the decision not to handcuff him earlier; as a result Mr. W was secured in the vehicle without being handcuffed and transported to the police service detention unit.

Ongoing information was exchanged on police communications systems as this incident progressed. As a result, another officer at the police station was aware Mr. W was being transported and that he was being uncooperative, as he overheard Mr. W shouting over officers on radio transmissions. As other supervisory personnel were not available, the officer made the decision to attend the detention unit to provide necessary assistance.

Mr. W continued to be uncooperative. He refused to exit the vehicle and then refused to provide information in the booking process. He demanded to ask questions about what was happening and demanded that he *"receive honest responses"*. Up to that point, officers had been using verbal communications techniques to convince Mr. W to comply, accompanied by soft physical control tactics to guide and direct his movements.

The assisting officer formed the opinion Mr. W was becoming physically resistant, and based on the fact that Mr. W had not been thoroughly searched or handcuffed, believed the use of force was necessary to subdue him. The officer stepped in to take physical control resulting in a struggle on the floor. The officer acknowledged administering blows in the effort to subdue Mr. W. Subsequently the two officers who had initially arrested Mr. W held his arms and controlled him while he was searched. Mr. W made threats to harm himself. Officers removed layers of clothing, some of which could be used as ligatures, while maintaining physical control of Mr. W.

Once placed in a cell, officers reported Mr. W punched himself in the face and repeatedly struck his head on the sink in the cell resulting in bleeding from the mouth area. The actions described by the officers in the cell block are substantially supported by video surveillance recordings of the events.

Two police supervisors attended the detention unit. Mr. W was highly agitated and bleeding. EMS was called and determined that he required treatment at the hospital. Mr. W was restrained on a stretcher and transported by ambulance, accompanied by an officer. At one point his leg escaped the restraints and he kicked a paramedic. At the hospital, he spit blood and mucus on an officer and others. It had not been feasible to apply an approved device intended to prevent prisoners from spitting at others prior to transport. Mr. W was restrained; however, the officer had limited options to stop his spitting. The officer acknowledged striking Mr. W to gain his compliance.

Under the provisions of section 35(2)(c) of *The Police Act, 1990*, the Chief of Police is responsible for discipline within the police service. The Act requires that the Chief of Police review the actions of the police officer(s) to determine if their conduct constitutes a violation of *The Municipal Police Discipline Regulations, 1991*. The Chief of Police reviewed these circumstances and recommended that the conduct of the officers did not warrant formal disciplinary action. The Chief advised that steps were taken to ensure all supervisors are familiar with and following Use of Force and Use of Force Reporting policies. This will be done with all personnel during forthcoming annual Use of Force training, to include officers' duty of care and individual responsibility for those in their custody.

The PCC was satisfied the incident was thoroughly and impartially investigated and reviewed. The officers were in lawful execution of duty to arrest and detain Mr. W in relation to his contravention(s) of a court order and acted properly to do so. The PCC takes complaints related to police officers' use of violence very seriously. Section 25(1) of the *Criminal Code* authorizes a police officer to use as much force as is necessary to accomplish her/his duty, provided that s/he acts on reasonable grounds. Mr. W was not injured by police officers (injuries were caused by his actions), he was intoxicated, and less than cooperative. The use of force to secure him was justified; however, the manner with which he was taken to the floor in the detention unit and later the blow delivered in an effort to discourage Mr. W spitting blood/mucus at officers and others were unnecessary.

Considering the degree of force used to control Mr. W in the detention unit and later when he was being transported to the hospital, police service policies to review incidents involving use-of-force should have been initiated by the officers involved. Appropriate action was taken when concerns surfaced. Officers were honest and forthright in their account of their actions, and consistent with the information provided by Mr. W and the available recordings.

The PCC requested the following concerns be brought to the attention of the officers involved:

- Lack of communication, coordination and recognition of who was in charge (arresting officer, senior officer or officer assisting in detention) in the absence of a supervisor in the detention unit at as Mr. W was being booked in.
- Differing perspective of the observable threat cues, one officer perceived an imminent threat not perceived by two other officers.
- Although the assisting officer's control tactic was effective given his size advantage and athletic history, equally effective and safer control techniques to control an intoxicated individual of smaller stature may have been appropriate, especially in the presence of three officers.
- Once Mr. W was expelling body fluids, the decision not to employ the approved anti-spit device was significant given his uncooperative state. Is there adequate familiarity with the policy, equipment and tactics to deploy this important officer safety equipment?

The Chief of Police has taken appropriate action to remind all supervisors and personnel of their responsibilities when they use or become aware of the use of force of this nature being employed by officers.

The PCC concluded improper action by the officers was not supported to the degree that warranted formal discipline. The matter was handled in a manner consistent with the public interest.

Budget Allocation

The following figures show the Public Complaints Commission's approved budget and actual operating expenses for the 2016-17 fiscal year.

Approved Budget	**$574,000**
Actual Expenses	
Grant – FSIN, Special Investigations Unit	109,000
Salaries, Honorariums, Per Diems	385,000
Operating Expenses	90,000
	$584,000